

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

**IN RE: NATIONAL PRESCRIPTION
OPIATE LITIGATION**

MDL No. 2804

This document relates to:
*Cabell County Commission v.
AmerisourceBergen Drug Corp., et al.*
Case No. 17-op-45053-DAP

Hon. Dan Aaron Polster

**DEFENDANTS AMERISOURCEBERGEN DRUG CORP., CARDINAL HEALTH, INC.,
AND McKESSON CORP.'S MOTION TO DISMISS (FED. R. CIV. P. 12(b)(6))**

Pursuant to Case Management Orders One [Dkt. 232] and Four [Dkt. 485], Defendants AmerisourceBergen Drug Corporation, Cardinal Health, Inc., and McKesson Corporation (collectively, “Distributors”) move to dismiss the Second Amended Complaint in the above-referenced action with prejudice on the basis that it fails to state a claim upon which relief can be granted, for the reasons given in the accompanying memorandum of law, which is incorporated herein.

Pursuant to Case Management Order One Section 2.g, Distributors raise “only those issues they believe are most critical,” and pursuant to Section 2.j, Distributors do not waive and hereby preserve any defenses not addressed in the motion and reserve their right “to file an individual motion to dismiss” at the appropriate time.

Dated: June 8, 2018

Respectfully submitted,

/s/ Robert A. Nicholas
Robert A. Nicholas
Shannon E. McClure
REED SMITH LLP
Three Logan Square
1717 Arch Street, Suite 3100
Philadelphia, PA 19103
Tel: (215) 851-8100
Fax: (215) 851-1420
rnicholas@reedsmit.com
smcclure@reedsmit.com

Counsel for AmerisourceBergen Drug Corporation

/s/ Geoffrey Hobart
Geoffrey Hobart
Mark Lynch
Christian Pistilli
COVINGTON & BURLING LLP
One CityCenter
850 Tenth Street NW
Washington, DC 20001
Tel: (202) 662-5281
ghobart@cov.com
mlynch@cov.com
cpistilli@cov.com

Counsel for McKesson Corporation

/s/ Enu Mainigi
Enu Mainigi
F. Lane Heard III
Steven M. Pyser
Ashley W. Hardin
WILLIAMS & CONNOLLY LLP
725 Twelfth Street, NW
Washington, DC 20005
Tel: (202) 434-5000
Fax: (202) 434-5029
emainigi@wc.com
lheard@wc.com
spyser@wc.com
ahardin@wc.com

Counsel for Cardinal Health, Inc.

CERTIFICATE OF SERVICE

I, Ashley W. Hardin, hereby certify that the foregoing document was served via the Court's ECF system to all counsel of record.

/s/ Ashley W. Hardin
Ashley W. Hardin